

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Apr 13, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BILLY EDWARD TOYCEN,

No. 1:21-cv-03023-SMJ

Plaintiff,

**ORDER DISMISSING ACTION**

v.

CITY OF YAKIMA MUNICIPAL  
COURT and YAKIMA COUNTY  
DISTRICT COURT,

Defendants.

On March 22, 2021, the Court denied Plaintiff Billy Edward Toyacen's *pro se* application to proceed *in forma pauperis*, directed him to pay the \$402.00 filing fee by April 1, 2021, and warned him that failure to do so would result in the dismissal of this action. ECF No. 13. The Clerk's office mailed a copy of this Order to Plaintiff at the Yakima County Jail, but it was returned as undeliverable on March 30, 2021, with the notation, "Out of Custody." ECF No. 16.

Litigants are responsible to keep the Court informed of their current address. The Clerk's Office advised Plaintiff of this requirement with a case opening letter dated February 22, 2021. *See* ECF No. 4. Nevertheless, Mr. Toyacen has failed to keep the Court apprised of his current address.

1 On March 2, 2021, the Court had directed Plaintiff to show cause why he  
2 should be granted leave to proceed *in forma pauperis*, or, in the alternative, to pay  
3 the \$402.00 filing fee by April 1, 2021. ECF No. 8. Therefore, the Court is  
4 satisfied that Plaintiff was aware of the deadline to pay the filing fee. For the  
5 reasons provided here and, in the Court's previous orders, this action is dismissed.

6 Accordingly, **IT IS HEREBY ORDERED:**

- 7 1. This action is **DISMISSED WITHOUT PREJUDICE** for failure to  
8 comply with the filing fee requirements of 28 U.S.C. § 1914.
- 9 2. The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**  
10 the file.
- 11 3. Plaintiff shall file nothing further in this action other than in  
12 furtherance of an appeal.
- 13 4. The Court certifies any appeal of this dismissal would not be taken in  
14 good faith.

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
16 and provide copies to *pro se* Plaintiff at his last known address.

17 **DATED** this 13th day of April 2021.

18   
19 SALVADOR MENDOZA, JR.  
20 United States District Judge